

Author: Shelley Analyst: Kristina E. North Bill Number: AB 2937
 Related Bills: See Legislative History Telephone: 845-6978 Introduced Date: February 25, 2002
 Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Public Records/Prohibit State Agencies From Charging Public for Segregating or Deleting Portions of Records

SUMMARY

This bill would amend the Public Records Act to prohibit a state agency from charging for certain acts necessary to disclose an electronic record.

PURPOSE OF THE BILL

According to the author's office, the purpose of this bill is to clarify the intent of existing law by barring state agencies from charging the public for redaction efforts made on electronic records.

EFFECTIVE/OPERATIVE DATE

This bill would become effective January 1, 2003, and would apply to electronic records requests processed on or after that date.

POSITION

Pending.

ANALYSIS

STATE LAW

Under the California Public Records Act (PRA), **current state law** allows every person to inspect and obtain copies of public records that are not exempt from disclosure. If a portion of the record is confidential, the person generally may obtain the remainder of the record after that portion has been redacted. The state agency is allowed to charge a fee for covering direct costs of duplication or a statutory fee. The cost of duplicating an electronic public record is limited to the direct cost of producing a copy of a record in electronic format. However, the requestor must bear full production costs if the request is made when the record is not scheduled to be available, or if the request would require data compilation or programming.

THIS BILL

This bill would clarify that the public would not be required to pay costs for segregating or deleting portions of records exempted from disclosure when requesting an electronic record.

Board Position:

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<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Department Director

Date

Alan Hunter for GHG

04/12/02

IMPLEMENTATION CONSIDERATIONS

The Franchise Tax Board only charges the public the direct costs of producing a copy of an electronically formatted record. Therefore implementing this bill would not significantly impact the department's programs and operations.

LEGISLATIVE HISTORY

AB 2799 (Shelley, Stats. 2000, Ch. 982) specified that the cost of duplicating an electronic public record must be limited to the direct cost of producing a copy of a record in electronic format. However, the requestor would bear the production costs if the request is made when the record is not scheduled to be available, or if the request would require data compilation or programming.

OTHER STATES' INFORMATION

Most states have public records laws similar to California's public records laws that allow an individual to request a copy of a public record, and authorize the state to charge a fee for the duplication. However, information on redaction when producing a copy of a record on electronic format was not readily available.

FISCAL IMPACT

This bill would not impact the department's costs.

ECONOMIC IMPACT

Revenue Estimate

This bill would not impact the state's income tax revenue.

LEGISLATIVE STAFF CONTACT

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